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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,289	11/20/2001	Jason Norman Morrow	30879.238175	9536

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EXAMINER

ESTRADA, ANGEL R

ART UNIT PAPER NUMBER

2831

MAIL DATE DELIVERY MODE

08/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/989,289

Applicant(s)

MORROW ET AL.

Examiner

Angel R. Estrada

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on 31 May 2007.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 45-48, 57-60, 68-70, 75-79, 94-96, 98, 100-105, 114, 115 and 139-158 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 45-48, 68-70, 75-79, 94-96, 98, 100-105, 114, 115 and 139-158 is/are allowed.
- 6)  Claim(s) 57, 58 and 60 is/are rejected.
- 7)  Claim(s) 59 is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All    b)  Some \*    c)  None of:
- Certified copies of the priority documents have been received.
  - Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- Notice of Informal Patent Application
- Other: \_\_\_\_\_

**DETAILED ACTION**

***Terminal Disclaimer***

1. The terminal disclaimer filed on May 31, 2007 is proper.

***Allowable Subject Matter***

2. The indicated allowability of claims 57-60 is withdrawn in view of the newly discovered reference(s) to Sherlock (US 3,367,370). Rejections based on the newly cited reference(s) follow.

3. Claims 45-48, 68-70, 75-79, 94-96, 98, 100-105, 114, 115 and 139-158 are allowed.

Claim 59 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reasons for the indication of the allowability of claims 45-48, 59, 68-70, 75-79, 94-96, 98, 100-105, 114, 115 and 139-158 are:

Regarding claims 45-48, 68-70, 75-79, 94-96, 98, 100-105, 114, 115 and 139-158, the prior art does not teach or fairly suggest in combination with the other claimed limitations a toneable conduit, wherein said wire is coated with a coating composition that prevents the wire from adhering to the polymer melt used to form the polymeric tube.

Regarding claim 59, the prior art does not teach or fairly suggest in combination with the other claimed limitations a method providing steps comprising providing a first toneable conduit and a second toneable conduit wherein the wire in the first toneable conduit and in the second toneable conduit is coated with a coating composition that comprises polytetrafluoroethylene.

These limitations are found in claims 45-48, 59, 68-70, 75-79, 94-96, 98, 100-105, 114, 115 and 139-158 are neither disclosed nor taught by the prior art of record, alone or in combination.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 57, 58 and 60 are under 35 U.S.C. 102(b) as being anticipated by Sherlock (US 3,367,370).

Regarding claim 57, Sherlock discloses a method of coupling a first toneable conduit (10) with a second toneable conduit (not shown), comprising the steps of providing a first toneable conduit (10) comprising an elongate polymeric tube having a wall with an interior surface and an exterior surface (see figure 6); a channel extending longitudinally within the wall of the elongate polymeric tube (see figure 6); and a continuous wire (30) coincident with the channel in the elongate polymeric tube (see

figure 6); providing a second toneable conduit (not shown) comprising an elongate polymeric tube (not showing) having a wall with an interior surface and an exterior surface; a channel extending longitudinally within the wall of the elongate polymeric tube; and a continuous wire coincident with the channel in the elongate polymeric tube (see figure 6); tearing the wire of the first toneable conduit through the exterior surface of the first toneable conduit; tearing the wire of the second toneable conduit through the exterior surface of the second toneable conduit (not shown); mechanically connecting the first conduit and second conduit (column 3 lines 10-14); and electrically connecting the wire from the first toneable conduit and the wire from the second toneable conduit (see figure 6).

Regarding claim 58, Sherlock discloses the method (see figure 1), said providing steps comprising providing a first toneable conduit (10) and a second toneable conduit wherein the wire (30) in the first toneable conduit and in the second toneable conduit is a copper-clad steel wire (column 2 lines 65-67).

Regarding claim 60, Sherlock discloses the method (see figure 1), said providing steps comprising providing a first toneable conduit (10) and a second toneable conduit (not shown) wherein the elongate polymeric tube of the first toneable conduit and the second toneable conduit is formed of high density polyethylene (see figure 6).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 57, 58 and 60 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

6. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 10, 2007



Angel R. Estrada  
Primary Examiner  
Art Unit: 2831